



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 19, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Sheryl L. Walter
Acting Assistant Attorney General

SUBJECT: Weekly Report for March 19, 2001 - March 23, 2001

THE WEEK AHEAD

Nominations: All of the persons for whom the White House has announced the intent to nominate for a Departmental position will be at the Department on March 22 for a nominee workshop. (Scott-Finan)

False Claims Act: On March 19, staff from the Civil Division and OLA will brief House Commerce Committee staff on how the Department uses the False Claims Act, how we have implemented the Deputy Attorney General guidance of 1998, and what steps we have taken to inform health care providers and carriers about our use of the False Claims Act. (Pearlman)

Drugs - Ecstasy: On March 21, the Senate Drug Caucus will hold a hearing on progress against the drug Ecstasy. Drug Enforcement Administrator Donnie Marshall will testify. (Tanner)

Bioterrorism: On March 21, OLA will accompany the FBI and the Criminal Division's Terrorism and Violent Crime Section to brief Senator Biden's Judiciary staff on bioterrorism. At the end of the 106th Congress, Senator Biden introduced bioterrorism legislation and it is expected that he will reintroduce the legislation in the near future. (Daley)

Cyber Crime: On March 21, OLA and the Criminal Division's Computer Crime and Intellectual Property Section will conduct a conference call with Congressman Asa Hutchinson and his staff. The Congressman became interested in our efforts to combat cyber crime upon learning that one of his constituents was harassed after her image, address and phone number were placed on the Internet. (Daley)

THE WEEK IN REVIEW

Hanssen Espionage Case: On March 16, Inspector General Glenn Fine and Counselor to the Inspector General Paul Martin met with Senate Select Intelligence staff. A representative of the Office of Legislative Affairs attended.

On March 16, Acting Deputy Attorney General Robert Mueller, U.S. Attorney for the Eastern District of Virginia Helen Fahey, and Criminal Division Deputy Assistant Attorney General Bruce Swartz met with Senate Select Intelligence Committee staff to work out a means to coordinate how agencies provide information to the Committee on compromise issues without potentially harming the pending criminal prosecution. Representatives from the CIA and the FBI also attended this meeting.

On March 14, the FBI, Deputy Assistant Attorney General Bruce Swartz, and Internal Security Chief John Dion from the Criminal Division attended a briefing by FBI and NSA for members and cleared staff of the House Judiciary Crime Subcommittee on classified issues arising from the investigation and arrest.

On March 12, the FBI and NSA provided a briefing on newspaper reports of a tunnel under the Russian Embassy that was reportedly compromised by Hanssen for the House Permanent Select Committee on Intelligence. A representative of the Department's Office of Legislative Affairs attended the meeting. (Walter)

Bankruptcy: On March 15, the Senate passed the bankruptcy bill, 83-15, with one voting present. Since there are differences between the House and Senate bills, there will need to be a conference. The President has indicated that he will sign the legislation. Several amendments were passed during Senate consideration of the bill, including, most notably, striking section 1310 which would bar the enforceability of certain foreign judgments against U.S. investors in Lloyd's of London. The investors were seeking to void the judgments based on alleged fraud by Lloyd's from 1975-1993. The amendment to strike passed 79-18-2. The bankruptcy bill could be signed before the Easter recess and would take effect 180 days after signing. (Wilson)

Education: Staff from OLA and the Civil Rights Division briefed staff for Congressman Richard Baker about the consent decree affecting Baton Rouge on March 16. (Scott-Finan)

SW Border - Prescription Drugs: On March 15, we hosted a meeting of representatives of the White House, Customs, FDA/HHS, and interested components in this Department (DEA, ODAG, EOUSA and OLA) to address a request by staff of the House Commerce Committee for briefings on the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. The law allows individuals to bring in up to 50 doses of controlled substances (other than Schedule I) without a prescription, and the Committee is concerned that the law is being abused by individuals making repeated trips to and from Mexico. (Tanner)

S. 304 - Drug Treatment: On March 14, DEA Administrator Donnie Marshall and United States Attorney for Utah Paul Warner testified before a hearing of the Senate Judiciary

Committee on S. 304, the Drug Abuse Education, Prevention, and Treatment Act of 2001, sponsored by Senators Hatch, Leahy, Biden, DeWine and Thurmond. We have not taken a position on the bill but Administrator Marshall and U.S. Attorney Warner testified on the need for some combination of enforcement, education and treatment. Their testimony was very well received. (Tanner)

Recent Presidential Pardons: On March 14, the House Government Reform Committee (Burton, Chair) sent an additional document request, seeking Department records on clemency for eighteen individuals, White House priorities for clemency processing, and FBI records regarding possible investigations relating to Roger Clinton. The request is under review and we anticipate consultation with the White House about the potential privilege issues that it presents. (Burton)

Antitrust Technical Corrections Bill: On March 14, the House passed under suspension H.R. 809, the Antitrust Technical Corrections Act of 2001. The main provisions of this bill apply Section 2 of the Sherman Act to the District of Columbia (in a new Section 3 of the Sherman Act for sake of clarity) and repeal the Act requiring depositions in antitrust cases to be taken in public. (Slover)

Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act: On March 14, the House passed by voice vote H.R. 860, legislation that seeks to improve the efficiency and fairness of the federal court system when dealing with complex multidistrict litigation arising from a common set of facts -- especially mass tort accidents. The Department has supported similar legislation in the past. (Wilson)

Election Issues: The Senate Rules and Administration Committee (McConnell, Chair) held hearings on issues affecting elections on March 14. Public interest groups testified. He will hold additional hearings in May. (Scott-Finan)

First Federal Execution: On March 14, U.S. Marshal Frank Anderson and BOP Warden Harley Lappin briefed Congressman Brian Kerns about the security for the area around the BOP facility in Terre Haute at the time of the first federal execution. The facility is in the Congressman's district and he is concerned about community safety. The Congressman continues to request a meeting with you about this matter. (Scott-Finan)